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TRANS UNION LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BRIAN DOUGLAS LARSON, on behalf of himself and all others similarly situated, Plaintiff, v. TRANS UNION, LLC, Defendant.	Case No. 12-cv-05726-WHO [Assigned to the Hon. William H. Orrick] **DECLARATION OF STEPHEN J. NEWMAN IN SUPPORT OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ON TRANS UNION LLC'S THIRD AFFIRMATIVE DEFENSE**

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DECLARATION OF STEPHEN J. NEWMAN

I, Stephen J. Newman, hereby declare as follows:

1. I am admitted to practice before this Court and am a partner at Stroock & Stroock & Lavan LLP, counsel for defendant Trans Union, LLC ("TransUnion") in this action. I submit this Declaration in support of TransUnion's Motion for Summary Judgment on TransUnion's Third Affirmative Defense. The facts set forth herein are true of my own personal knowledge. If called as a witness, I could and would competently testify thereto.

2. On December 12, 2013, counsel for plaintiff Brian Douglas Larson ("Plaintiff") took the deposition of Stephen Katz. I attended that deposition. A true and correct copy of excerpts of Mr. Katz' deposition transcript is attached hereto as Exhibit A.

3. On February 13, 2014, I sent a letter to John Soumilas, counsel for Plaintiff, requesting that Plaintiff "please provide us with any and all documents and information which support Plaintiff's contention that he received notification of adverse action which entitled him to a free file disclosure." A true and correct copy of my February 13, 2014 letter to Mr. Soumilas is attached hereto as Exhibit B.

4. I never received a response from Mr. Soumilas to my February 13, 2014 letter.

5. On August 20, 2014, TransUnion served Plaintiff with TransUnion's First Set of Special Interrogatories (the "Special Interrogatories"). A true and correct copy of the Special Interrogatories is attached hereto as Exhibit C.

6. On August 20, 2014, TransUnion served Plaintiff with TransUnion's First Set of Requests for Production of Documents (the "Requests for Production"). A true and correct copy of the Requests for Production is attached hereto as Exhibit D.

7. On August 20, 2014, TransUnion served Plaintiff with TransUnion's First Set of Requests for Admission (the "Requests for Admission"). A true and correct copy of the Requests for Admission is attached hereto as Exhibit E.

8. In response, on October 3, 2014, counsel for Plaintiff, Lauren Brennan, sent a letter to counsel for TransUnion, enclosing Plaintiff's written responses to discovery, verifications and

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twenty responsive documents. A true and correct copy of Ms. Brennan's October 3, 2014 letter to counsel for TransUnion is attached hereto as Exhibit F.

9. A true and correct copy of Plaintiff's Responses to TransUnion's First Set of Special Interrogatories, dated October 3, 2014, and signed verification is attached hereto as Exhibit G.

10. A true and correct copy of Plaintiff's Responses to TransUnion's First Set of Requests for Production of Documents, dated October 3, 2014, and signed verification is attached hereto as Exhibit H.

11. A true and correct copy of Plaintiff's Responses to TransUnion's First Set of Requests for Admissions, dated October 3, 2014, and signed verification is attached hereto as Exhibit I.

12. A true and correct copy of documents produced by Plaintiff on October 3, 2014, bates-labeled Larson 0001 – Larson 0020 (but redacted of personal information), is attached hereto as Exhibit J.

13. On November 3, 2014, I sent a meet and confer letter to Mr. Soumilas stating that none of the documents produced by Plaintiff "evidence or relate to a notification of adverse action as described in 15 U.S.C. § 1681j(b) or 15 U.S.C. § 1681m(a)." A true and correct copy of my November 3, 2014 letter to Mr. Soumilas is attached hereto as Exhibit K.

14. On November 4, 2014, counsel for Plaintiff took the deposition of James Garst. I attended that deposition. A true and correct copy of excerpts of Mr. Garst's deposition transcript is attached hereto as Exhibit L.

15. On November 20, 2014, I received a letter from Mr. Soumilas responding to my November 3, 2014 meet and confer letter. A true and correct copy of Mr. Soumilas' November 20, 2014 letter to me is attached hereto as Exhibit M.

16. On December 2, 2014, I received a letter from Mr. Soumilas responding to an Amended Notice of Deposition of Plaintiff. A true and correct copy of Mr. Soumilas' December 2, 2014 letter to me is attached hereto as Exhibit N.

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17. On December 12, 2014, my colleague Jason Yoo took the deposition of Plaintiff. A true and correct copy of excerpts of Plaintiff's deposition transcript, with Exhibits J and K thereto (but redacted of personal information), is attached hereto as Exhibit O.

18. Plaintiff has not produced any notice of adverse action in connection with the closure of the Wells Fargo Financial Card identified with the last four digits – 0629.

19. On or about February 3, 2015, counsel for Plaintiff served TransUnion with Plaintiff's Notice of Intent to Serve Subpoenas. A true and correct copy of Plaintiff's Notice of Intent to Serve Subpoenas, and attached Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action directed to Synchrony Financial, is attached hereto as Exhibit P.

20. On or about February 23, 2015, I received Synchrony Bank's Responses to Plaintiff's Subpoena to Produce Documents (Documents SYNC0001-SYNC0003). A true and correct copy of Synchrony Bank's Responses to Plaintiff's Subpoena to Produce Documents (Documents SYNC0001-SYNC0003) (but redacted of personal information) is attached hereto as Exhibit Q. No documents have been produced by any of the other entities subpoenaed by Plaintiff.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 13th day of March, 2015, in Los Angeles, California.

/s/ Stephen J. Newman
Stephen J. Newman